

18219. Adulteration and misbranding of ether. U. S. v. Thirteen 1-Pound Cans of Ether. Default decree of condemnation and forfeiture. Product ordered sold or destroyed. (F. & D. No. 25669. I. S. No. 20539. S. No. 3950.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On January 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of thirteen 1-pound cans of ether at Cleveland, Ohio, alleging that the article had been shipped by the Mallinckrodt Chemical Works, St. Louis, Mo., on or about November 1, 1930, and had been transported from the State of Missouri into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the can label, "Ether U. S. P.," was false and misleading when applied to ether containing peroxide.

On March 13, 1931, no claimant having appeared for the property, judgment was entered finding that the product was liable to condemnation and forfeiture, and it was ordered by the court that the said product be sold by the United States marshal under such terms and conditions as were not in violation of the Federal food and drugs act, and that upon failure to so dispose of the product that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18220. Misbranding of Dr. Alexander's Lung Healer. U. S. v. 16 Bottles of Dr. Alexander's Lung Healer. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25983. I. S. No. 15375. S. No. 4208.)

Examination of samples of a drug product, known as Dr. Alexander's Lung Healer, having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of New Jersey the shipment herein described, involving a quantity of the product located at Newark, N. J.

On March 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 bottles of Dr. Alexander's Lung Healer, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by the Valley Drug Co., from Wilkes-Barre, Pa., on or about January 26, 1931, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including ipecac, chloroform, glycerin, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Lung Healer * * * For the Treatment of Coughs, * * * Spasmodic Croup, Hoarseness, Bronchitis, Whooping Cough & Bronchial Asthma;" (carton) "Lung Healer * * * For the Treatment of Coughs, * * * Bronchitis * * * Bronchial Asthma, Whooping Cough and Spasmodic Croup. * * * This famous remedy is to relieve the specified ailments—Lung Trouble."

On April 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*